

EXHIBIT H



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

April 14, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Meschede
Newell Rubbermaid
3 Glenlake Parkway
Atlanta, Georgia 30328

SUBJECT: Notice of Additional Response Activities
Sturgis, St. Joseph County, Michigan



Dear Mr. Meschede:

Staff of the Michigan Department of Environmental Quality (MDEQ) have reviewed the document entitled "*Pre-Design Investigation Report, Former Kirsch Plant No. 1 Source Area, Sturgis Municipal Well Field Superfund Site, Sturgis, Michigan*" (the report), dated December 2, 2010. As the report clearly indicates, trichloroethylene (TCE) and/or tetrachloroethylene (PCE) remain in vadose zone soils on both the east and west sides of Prospect Street located in Sturgis, Michigan, where Kirsch Company manufacturing processes formerly existed. Further, contaminant concentrations are shown to persist in excess of cleanup criteria established in the 1996 Record of Decision (ROD) Amendment for the site.

Background – Former Kirsch Property On East Side of Prospect Street

As you know, vadose zone soil investigations conducted on the former Kirsch property on the east side of Prospect Street in the late 1980's and early 1990's had identified areas of TCE and PCE contamination. Areas of soil contamination in excess of cleanup criteria established in the 1991 ROD and 1996 ROD Amendment were addressed by soil vapor extraction (SVE) installed and operated by Cooper Industries, and later by Newell-Rubbermaid. When operation of the SVE system ceased in 1999, Newell-Rubbermaid undertook a cleanup verification soil sampling program.

Results of the soil sampling program were submitted to the MDEQ with a recommendation for no further action. The MDEQ did not agree with that recommendation, and advocated for further remediation. Newell-Rubbermaid took the position that high levels of contamination in the groundwater contributed, through off-gassing of TCE and/or PCE, to vadose zone contamination, and would continue to do so until such time as contaminant levels in groundwater were reduced.

A compromise between the MDEQ and Newell-Rubbermaid was reached wherein a new shallow aquifer extraction well would be installed and operated, with the goal of reducing, and ultimately remediating contaminant concentrations in the shallow groundwater. Operation of the shallow aquifer extraction well began in 2003 and has greatly reduced contaminant concentrations in groundwater beneath the former Kirsch property. At the request of the MDEQ, Newell-Rubbermaid undertook the latest vadose zone soil investigation to determine if contaminant concentrations had reduced over time, particularly since operation of the shallow aquifer extraction well had been undertaken.

Background – Former Kirsch Property On West Side of Prospect Street

Previous investigations of vadose zone soils on the former Kirsch Company property on the west side of Prospect Street were conducted in the late 1980's and early 1990's. Results of these investigations revealed either low-level or limited exceedances of relevant cleanup criteria for TCE and/or PCE.

Limited soil sampling conducted in 2008 and 2009, as part of a Baseline Environmental Assessment of the property by a prospective developer revealed high levels of site related contaminants. Because of this discovery, the MDEQ requested Newell-Rubbermaid to conduct an expanded vadose zone soil investigation to determine the extent of site related contamination on the property.

Results of Soil Investigations and Request for Additional Response Activities

The studies conducted on both the east and west sides of Prospect Street revealed widespread TCE and/or PCE contamination in excess of the ROD Amendment mandated cleanup standards. Because of this, and because the ROD Amendment requires remediation of these contaminants to levels protective of groundwater, the MDEQ hereby invokes the provisions of Section VI, Additional Response Activities, of the October 25, 1996, Consent Decree (Consent Decree 5:96-CV-157 [Frank J. Kelley v. Cooper Industries, Inc.]). Under the terms of the Consent Decree, Newell-Rubbermaid must, within 60 days of receipt of this correspondence, produce for the MDEQ review and approval, a Plan For Additional Response Activities (the plan) to perform activities that the MDEQ determines are necessary to meet the performance and cleanup standards in the ROD Amendment.

At a minimum, the plan must provide for any additional investigation, pilot studies, engineering design, construction, implementation, monitoring, operation and maintenance, and any other aspect needed to address the soil contamination in conformance with standard industry practice and requirements in the Consent Decree. The plan must also contain a schedule. Once the plan is approved by the MDEQ it will become an enforceable part of the Consent Decree.

We stand ready to continue to work cooperatively with Newell-Rubbermaid as we move forward with this phase of the project. Should you have any questions or concerns during the development of the plan, we would be pleased to work with you to address those issues.

Sincerely,



Robert L. Franks
Grant and Technical Support Unit
Superfund Section
Remediation Division
517-335-3392

cc: Mr. David Meiri, URS
Mr. Michael Miller, EHSOS
Mr. Michael Hughes, City of Sturgis
Mr. Bradley Ermisch, MDEQ
Mr. Charles Graff, MDEQ